

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JENNIFER VANDERSTOK *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States *et al.*,

Defendants.

Case No. 4:22-cv-00691-O

NOTICE OF RECENT AUTHORITY

Defendants respectfully notify the Court that earlier today, the Eighth Circuit in *Morehouse Enterprises, LLC v. Bureau of Alcohol, Tobacco, Firearms and Explosives* issued a decision affirming the denial of the plaintiffs' motion for preliminary injunctive relief enjoining the Final Rule challenged in this case. The Eighth Circuit held that the private plaintiffs had failed to demonstrate irreparable harm, slip op. at 7-10, and that the State plaintiffs lacked standing, *id.* at 7 n.5. The court also recognized that "[t]he net effect" of the stay orders issued by the Fifth Circuit and the Supreme Court in this case "is that the Final Rule will remain in effect in its entirety while the Fifth Circuit considers the appeal." *Id.* at 7 n.4. A copy of the Eighth Circuit's decision is attached hereto.

DATED: August 22, 2023

Respectfully submitted,

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ALEXANDER K. HAAS
Director, Federal Programs Branch

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/s/ Daniel Riess
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CERTIFICATE OF SERVICE

On August 22, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess